

CHAPTER 70-02-02

EDUCATION AND EXPERIENCE STANDARDS

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70-02-02-01. Purpose of chapter. The purpose of this chapter is to delineate the rules which the real estate commission will follow in approving and regulating all schools which wish to offer a course which will comply with the requirements as outlined under North Dakota Century Code section 43-23-08. The commission intends that the courses be educational in nature and that they not be specifically oriented to the passing of the state licensing examination. No course will be approved if the name of the course or any advertising of the school or person offering the course indicates that the primary objective of the course is to prepare students for passing the state licensing examination.

General Authority: NDCC 43-23-08(7)

Law Implemented: NDCC 43-23-08

70-02-02-02. Application for approval of classroom instruction, distance education, or correspondence course. In order for any course to be approved by the real estate commission an application for approval shall be filed with the commission not less than forty-five days prior to the contemplated date of opening. The application, in addition to the name and address of the school or person offering the course as well as any other identifying criteria which the commission may require, must be accompanied by a nonrefundable fee of fifty dollars, and must set forth the following:

1. A proposed course outline, in reasonable detail, with hours spent on each subject area to be covered by the course. Each outline shall make reference to the textbook used and other material related to

the course or subject matter, and shall substantially conform to the approved curricula outlines prepared by the commission.

2. A resume on all instructors and subject to be taught must accompany the application.
3. A schedule of course offerings for the year for which approval is sought must accompany the application. Each schedule must include the name, date, time, and place of any course offering. The schedule of offerings must be arranged so as to allow reasonable time for either home study or in-class preparation for each classroom session.
4. A fee schedule for all course offerings must accompany the application.

History: Amended effective January 1, 1992; January 1, 2006.

General Authority: NDCC 43-23-08(7)

Law Implemented: NDCC 43-23-08

70-02-02-03. Qualifications for classroom instructors. Any person applying for commission approval of classroom instruction must furnish to the commission evidence satisfactory to the commission that every instructor giving classroom instruction has the necessary specialized preparation, training, and experience to ensure competent instruction.

Instructors who, in the estimation of the school administration, are deemed inadequate or do not satisfy the school's standards of quality should have their services terminated by the school.

General Authority: NDCC 43-23-08(7)

Law Implemented: NDCC 43-23-08

70-02-02-04. Courses of study approved by the commission. Courses of study provided in North Dakota Century Code section 43-23-08 shall be courses of study approved by the real estate commission and which are offered by any of the following:

1. North Dakota accredited baccalaureate degree granting institutions and North Dakota or non-North Dakota institutions offering programs, and credits from which can be transferred to an accredited North Dakota baccalaureate degree granting institution.
2. Special institutes or courses relating to real estate which are approved by the commission.
3. A correspondence course approved by the commission.

4. A distance education course approved by the commission.

History: Amended effective January 1, 2006.

General Authority: NDCC 43-23-08(7)

Law Implemented: NDCC 43-23-08

70-02-02-05. Commission review of all real estate courses. Periodically, but not less frequently than every two years, the commission shall survey and evaluate the total real estate education program of each school approved by the commission, a written report of which will be provided to the school. The review will be considered by the commission in determining whether the school meets the requirements of law and the commission for continued approval of the school.

General Authority: NDCC 43-23-08(7)

Law Implemented: NDCC 43-23-08

70-02-02-06. Approval of classroom instruction. If based upon the application submitted, together with the commission's survey of the total real estate educational program to be provided by the school, the commission determines that the requirements of law and the commission rules have been met, the application shall be approved. Prior to the contemplated date of opening, the applicant shall be notified in writing of the commission's decision to grant or deny approval.

General Authority: NDCC 43-23-08(7)

Law Implemented: NDCC 43-23-08

70-02-02-07. Review of courses not having received prior approval. Any person completing a thirty-hour, sixty-hour, or ninety-hour course of study, either classroom, distance education, or correspondence, which has not received prior commission approval, shall submit a complete listing of the courses taken, the number of hours of study for each course and the qualifications of the teachers, and answer any additional questions which the commission may have regarding the course of study. After review of the information, the commission may approve the course of instruction, distance education, or the correspondence courses and give the applicant credit for meeting the educational requirements imposed by North Dakota Century Code chapter 43-23.

History: Amended effective January 1, 2006.

General Authority: NDCC 43-23-08(7)

Law Implemented: NDCC 43-23-08

70-02-02-08. Withdrawal of approval. If the commission at any time determines that a person approved to offer a course in real estate is not meeting the requirements of law for continued approval, the commission shall immediately notify the school in writing detailing the deficiencies requiring correction. The schools' approval by the commission shall continue ninety days from the date of the commission's written notice to the school, and if, at the expiration of that period,

the school has failed to correct to the commission's satisfaction the deficiencies noted, the commission may withdraw approval of the school.

General Authority: NDCC 43-23-08(7)

Law Implemented: NDCC 43-23-08

70-02-02-09. Advertising of approved courses. If the name of the commission is used or if commission approval is indicated, any advertisement may not make or imply any guarantee concerning the applicant's passing of the state real estate licensing examination. Advertising, as it is used in this section, includes any type of solicitation, and the advertisement may not be drawn, printed, or illustrated in any fashion which would indicate that the North Dakota real estate commission has any interest in the school other than ensuring that it complies with the standards imposed by North Dakota Century Code chapter 43-23. In no event can the phrase "North Dakota real estate commission" appear anywhere in the advertisement in larger type than the words and phrases preceding or following the phrase "North Dakota real estate commission". Printed bulletins or other promotional information must be specific with respect to the purpose of each course of instruction, the curricula, the classroom (or other unit), content of the course, tuition, and criteria for successful completion of the course. No promotional material of any school approved by the commission shall state or imply that its program of instruction is the sole vehicle for which the education requisites for licensure shall be attained. Schools or their representatives shall not promote their school in such a manner as to state or imply that their program excels any other course of instruction.

General Authority: NDCC 43-23-08(7)

Law Implemented: NDCC 43-23-08

70-02-02-10. Classroom hour. A classroom hour in a course shall be defined as fifty minutes of lecture in classroom attendance or the equivalent materials through correspondence in a school approved by the department of public instruction.

General Authority: NDCC 43-23-08(7)

Law Implemented: NDCC 43-23-08

70-02-02-11. Coordinators. Coordinators or the principal instructor of commission approved program shall be responsible for the conduct and administration of each course presentation, and shall be held responsible for punctuality of classroom session, student attendance records, instructor performance and attendance, examination administration, and student certification.

General Authority: NDCC 43-23-08(7)

Law Implemented: NDCC 43-23-08

70-02-02-12. Examinations. Each course of instruction shall utilize written examinations as a component of measurement for determination of successful completion of a course of study.

The weight of written examination as the determination of successful completion of a course and the criteria for passing of examinations may be developed by each school based on each school's educational concepts. However, the commission may direct alterations in examination procedures, criteria for passing, and the administration whenever deemed necessary. Each school shall furnish the commission with copies of its examinations.

General Authority: NDCC 43-23-08(7)

Law Implemented: NDCC 43-23-08

70-02-02-13. Certificate of approval. Each school shall issue to the students successfully completing a course of instruction an official certificate which reflects the school's name, course title, course number, and number of classroom hours (or other recognized educational unit) involved in the course. Such certificate, or copies thereof, shall serve as evidence when presented to the commission of successful completion of the course of instruction. Letters of other official communication may also be provided the student, which may be utilized by the student for submission to the commission as evidence of satisfactory completion of the course. The letters will fully reflect the school name, the course title and number, educational units, and be dated and signed by an official of the school.

General Authority: NDCC 43-23-08(7)

Law Implemented: NDCC 43-23-08

70-02-02-14. Facilities. Each course of study shall have such classrooms and such other facilities and supportive personnel as is necessary to adequately implement the program.

General Authority: NDCC 43-23-08(7)

Law Implemented: NDCC 43-23-08

70-02-02-15. Course content must not be duplicated. The commission shall not accept for the educational requisites for broker or salesperson applications which have more than one course with the same course title and level or same course content and level.

General Authority: NDCC 43-23-08(7)

Law Implemented: NDCC 43-23-08

70-02-02-16. No credit given for salesmanship courses. No courses of instruction shall operate under commission approval which will offer a course of instruction based on salesmanship, sales techniques, nor shall a sales training course offered by a real estate firm be considered eligible for consideration of commission approval.

General Authority: NDCC 43-23-08(7)

Law Implemented: NDCC 43-23-08

70-02-02-17. Correspondence courses. Applicants for brokers' or salespersons' licenses who have completed the required course hours through a correspondence school must have also successfully passed a midterm and final examination. This examination shall be prepared by the applicant's correspondence school and be taken before a proctor appointed by a school approved by the commission.

General Authority: NDCC 43-23-08(7)

Law Implemented: NDCC 43-23-08

70-02-02-18. Distance education courses must be approved. Courses of study offered in a distance education format must be approved by the real estate commission and certified by the association of real estate license law officials. A student must complete the distance education course within one year of the date of enrollment.

History: Effective December 1, 1999.

General Authority: NDCC 43-23-08.1

Law Implemented: NDCC 43-23-08